IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

COMPANY PETITION NO.255 OF 2004

Ashish C. Mehta Petitioner
vs.
Ramanlal Industries Ltd,. Respondent

Ms.Neeta Parikh for the petitioner.

CORAM : ANOOP V. MOHTA,J.

DATED : 17th August, 2007

P.C.

The petitioner has invoked the provisions of the Companies Act, 1956 with a basic prayer to wind up the respondent-company as though served with the statutory notice, the respondent failed to re-pay the loan amount with interest, the total of which comes to Rs..3,22,500/-.

2. The respondent-company by reply dated 12.10.2001 raised evasive defence and denied the amount due. Any way there was no payment made, the petitioner therefore has filed the present petition.

3. On 10.3.2005 this Court therefore as none appeared for the company, though served, directed to advertise the petition. Affidavit of service dated 10.3.2005 is part of record. There is affidavit of publication dated 7.9.2007 which is also part of record.

4. There is no response of any kind at the time of the admission till this date.

5. The matter is under the caption for final hearing. There is no appearance of the respondent-company. In the result, the averments as made in the statutory notice as well as in the petition remained uncontroverted. Though there was no denial made by the respondent-company, but that also remained to be supported by the material to justify their response and/or defence. Mere denial is not sufficient. In a winding up petition like this, it is necessary for the respondent-company to raise appropriate defence and/or at least response to the averments made which in the present is missing. The claim as raised is within limitation.

6. Resultantly, the petition is allowed in terms of prayers (a) and (b).

[ANOOP V. MOHTA,J.]